

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)
v.) CR. NO: 2:05-CR-0139-A
CORY JERMICHAEL REED)

MOTION TO REVOKE PRETRIAL RELEASE

COMES NOW the United States of America, by and through Leura Garrett Canary, United States Attorney for the Middle District of Alabama, and moves this Honorable Court to revoke the pretrial release of Defendant (“Reed”). In support thereof, the Government offers:

1. On May 25, 2005, a federal grand jury seated in this district indicted Reed for possessing cocaine with intent to distribute it and for possessing, using, or carrying a firearm in relation to the cocaine possession charge. (Doc. 1). On June 1, 2005, this Court held a detention hearing, pursuant to the Government's motion, regarding Reed. (Docs. 4, 8-10). At the conclusion of the hearing, Reed was detained, and on June 2, 2005, this Court entered an order to that effect, citing its conclusion that "no condition or combination of conditions will reasonably assure the safety of any other person and the community." (Doc. 10, at p. 2).

2. On June 13, 2005, the undersigned Assistant United States Attorney (“AUSA”) received correspondence from Reed, while he was detained at the Montgomery City Jail, that he wished to cooperate with the United States. This letter was forwarded to Reed’s attorney of record, Thomas Goggans, Esq. After Reed retained different counsel, Barry Teague, Esq., a proffer meeting was held at the United States Attorney’s Office on July 14, 2005. The undersigned AUSA, Drug Enforcement Special Agent Neill Thompson (“Agent Thompson”), Montgomery Police Department Detective Tommy Conway, Mr. Teague, and Reed attended the proffer session, at which Reed continued to

express his desire to cooperate proactively. Based on the details of the information provided by Reed, although the Government expressed great reservation, it was agreed to request that this Court release Reed, subject to electronic monitoring, because “exceptional reasons why [Reed’s] detention would not be appropriate” existed. See 18 U.S.C. § 3145(c). On June 18, 2005, this Court released Reed, subject to electronic monitoring, pursuant to the Government’s Request.

3. Since the time of Reed’s release, now more than three weeks having passed, Reed has failed to cooperate or maintain contact in any way with law enforcement agents relating to his agreement to cooperate, despite numerous attempts by Agent Thompson to contact Reed directly and through Mr. Teague. Information developed by Agent Thompson also indicates that Reed never intended to cooperate, but only agreed to do so to obtain his release from custody. Therefore, the “exceptional reasons” that existed, and that prompted the Government’s request for Reed’s release (that being his cooperation with the Government), no longer exist.

4. Accordingly, based upon the nonexistence of any exceptional reasons for Reed’s release, and based upon the evidence presented at the revocation hearing and this Court’s conclusion that Reed be detained, the United States respectfully moves this Court to revoke Reed’s pretrial release.

Respectfully submitted this 9th day of August, 2005.

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CERTIFICATE OF SERVICE

I hereby certify that on August 9, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Barry E. Teague, Esq..

Respectfully submitted,

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